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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,710	10/17/2003	Satoshi Miyaji	032024	8795
38834 7590 01/25/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER THOMAS, JASON M				
ART UNIT 2423		PAPER NUMBER		
NOTIFICATION DATE 01/25/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/686,710

Applicant(s)

MIYAJI ET AL.

Examiner

Jason Thomas

Art Unit

2423

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 15, 2009 has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al., U.S. Pat. No. 7,159,233 B2 (hereinafter Son) in view of Binder et al., U.S. Pub.

No. 2003/0095783 A1 (hereinafter Binder) and Honary et al., U.S. Pub. No. 2003/0219020 A1 (hereinafter Honary).

Regarding claim 1: Son discloses a moving picture file distributing device which receives a moving picture file by uploading and stores it in storage means, and distributes the moving picture file stored in the storage means to a client by downloading (see [fig. 1], [col. 3, ll. 5-20], [col. 4, ll. 28-38], [cols. 5-6, ll. 57-4], [col. 8, ll. 44-59], [col. 10, ll. 25-31], [col. 11, ll. 17-21] comprising: an upload buffer for temporarily holding a moving picture file at the time of reception (see [cols. 5-6, ll. 57-4] where the caching server first receives, inherently by some temporary holding means, the uploaded preprocessed content then subsequently determines whether to store the content in storage medium, such as a disk array, for later streaming or stream the uploaded content in real-time (RTP), the uploaded content being temporarily held in the caching server prior to being streamed to an end user; see also [col. 3, ll. 43-50], [col. 7, ll. 11-21] for the use of RTP, which inherently establishes sessions and general user sessions); and a download buffer for temporarily holding a moving picture file at the time of distribution (see [abstract], [cols. 5-6, ll. 57-4], [col. 7, ll. 3-10], [col. 8, ll. 44-49], [claim 24] where the cache server also acts as a download buffer in that as an alternative to streaming content, from the sending device to the receiving device, the cache server can hold the content by some temporary means, acting as a buffer, and allow users to download receive the content in real-time directly from the caching server) but Son does not explicitly teach a dynamic generation of a buffer correspondent to a session, after

that session number is notified; or the separate step of buffering content for download as a separate session.

Binder teaches a device which dynamically generates a buffer, which reads on allocating memory, and transferring content between a source storage location and a solid state memory array to overcome the limiting factors associated with hard disk drives and the use of this feature for buffering content for downloads for user session (see [8], [9], [11], [31], [33]; see also [30], [42], [49] where customer sessions are established for this process to provide unique asynchronous streams between customers and the buffering device). Binder also teaches a server section directly connected to a buffer memory (see [figs. 1, 2] where the stream server module is directly connected to the buffer memory); wherein the buffer generating means is connected to said buffer memory (see [fig. 1], [31] for a backpane interface which is connected to the memory array); and a file input/output section directly connected to the buffer generating means and the buffer memory (see [29], [33] for stream server modules which read on I/O sections by acting as the gateway for all incoming and outgoing data). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cache server by enabling it to generate buffer space through the allocation of space in a solid state memory array, using the configuration, as taught by Binder, in order to greatly reduce limiting factors such as the sustained transfer rate and the seek time common to hard disk drive arrays (see [8], [9]).

While Binder mentions the use of sessions to interact with customer terminals, associating an identification number with a transmission session and initiating a transmission process after a session identification number is not disclosed.

Honary teaches that it is well known in the art that upon the establishment of a communication session, which is identified by a session ID, file transfer, which includes the use of buffering the transmitted content, can begin after the session, based on the session ID has begun (see [14], [23], [35]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means by which a communication session is used for uploading or downloading content data, by providing session ID prior to engaging in the communication session, as taught by Honary, in order to associate all of the data related to a particular data exchange with a specific session ID thus providing more efficient and better controlled data distribution process.

Regarding claim 6: Son discloses a moving picture file distributing device comprising: an upload buffer for temporarily holding a moving picture file at the time of reception (see [cols. 5-6, ll. 57-4] where the caching server first receives, inherently by some temporary holding means, the uploaded preprocessed content then subsequently determines whether to store the content in storage medium, such as a disk array, for later streaming or stream the uploaded content in real-time (RTP), the uploaded content being temporarily held in the caching server prior to being streamed to an end user; see also [col. 3, ll. 43-50], [col. 7, ll. 11-21] for the

use of RTP, which inherently establishes sessions and general user sessions); and a download buffer for temporarily holding a moving picture file at the time of distribution (see [abstract], [cols. 5-6, ll. 57-4], [col. 7, ll. 3-10], [col. 8, ll. 44-49], [claim 24] where the cache server also acts as a download buffer in that as an alternative to streaming content, from the sending device to the receiving device, the cache server can hold the content by some temporary means, acting as a buffer, and allow users to download receive the content in real-time directly from the caching server) but Son does not explicitly teach a dynamic generation of a buffer correspondent to a session, after that session number is notified; or the separate step of buffering content for download as a separate session.

Binder teaches a device which dynamically generates a buffer, which reads on allocating memory, and transferring content between a source storage location and a solid state memory array to overcome the limiting factors associated with hard disk drives and the use of this feature for buffering content for downloads for user session (see [8], [9], [11], [31], [33]; see also [30], [42], [49] where customer sessions are established for this process to provide unique asynchronous streams between customers and the buffering device). Binder also teaches a network interface (see [fig. 4] for a module which interfaces with the network); see [fig. 4, 407] for a storage unit which is connected to a I/O section); a server section directly connected to a buffer memory (see [figs. 1, 2] where the stream server module is directly connected to the buffer memory); wherein the buffer generating means is connected to said buffer memory (see [fig. 1], [31] for a backplane interface which is

connected to the memory array); and a file input/output section directly connected to the buffer generating means and the buffer memory (see [29], [33] for stream server modules which read on I/O sections by acting as the gateway for all incoming and outgoing data). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cache server by enabling it to generate buffer space through the allocation of space in a solid state memory array, using the configuration, as taught by Binder, in order to greatly reduce limiting factors such as the sustained transfer rate and the seek time common to hard disk drive arrays (see [8], [9]).

While Binder mentions the use of sessions to interact with customer terminals, associating an identification number with a transmission session and initiating a transmission process after a session identification number is not disclosed.

Honary teaches that it is well known in the art that upon the establishment of a communication session, which is identified by a session ID, file transfer, which includes the use of buffering the transmitted content, can begin after the session, based on the session ID has begun (see [14], [23], [35]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means by which a communication session is used for uploading or downloading content data, by providing session ID prior to engaging in the communication session, as taught by Honary, in order to associate all of the data

related to a particular data exchange with a specific session ID thus providing more efficient and better controlled data distribution process.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Binder, Honary and Kenner et al., U.S. Pat. No. 5,956,716 (hereinafter Kenner).

Regarding claims 2: The combined teachings of the aforementioned art teach means for, after holding an entire moving picture file in the upload buffer is completed, transferring the moving picture file to the storage means, wherein the upload buffer generating means generates an upload buffer when uploading is started (see Son [cols. 5-6, ll. 57-4], [col. 7, ll. 3-10] for, after holding the entire uploaded content, transferring to a hard disk array storage; see also Binder [33], [36] for allocating memory to hold entire content to increase transfer efficiency); but does not explicitly teach the means for, after an entire moving picture file is transferred to the storage means, eliminating the upload buffer.

Kenner teaches a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations between the user session and memory allocated for said session (see [col. 5, ll. 8-16], [col. 12, ll. 5-32] where by removing the association the buffer for that session is eliminated). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify session management and control of the server module by providing a means of managing the associations between the user sessions and memory allocations for said sessions as taught by Kenner in order to optimize access to the most requested information and efficient storage with a maximum of useful redundancy without waste or loss of performance (see [col. 17, ll. 22-35]).

Regarding claims 3: The combined teachings of the aforementioned art teach means for, a fragment, which is a small part broken off from a moving picture, in the upload buffer where one fragment is completed before transferring the moving picture file to the storage means, wherein the upload buffer generating means generates an upload buffer when uploading is started; and means for, upon completing the content transfer, eliminating the upload buffer (see Son [cols. 5-6, ll. 57-4], [col. 7, ll. 3-10] for uploading content and transferring to a hard disk array storage; see also Binder [33] for transferring to a end user storage in segments as it is received; see also Kenner [col. 15, lines 14-23] where video can be stored in storage blocks which are stored separately; see also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations

between the user session and memory allocated for said session, where by removing the association the buffer for that session is eliminated).

Regarding claims 4: The combined teachings of the aforementioned art teach means for, at the same time with the generation of the download buffer, transferring the moving picture file to be downloaded from the storage means to the download buffer, wherein the download buffer generating means generates an download buffer when downloading is started; and means for, after an entire moving picture file is downloaded, eliminating the download buffer (see Binder [33], [36] for allocating memory to hold entire content to increase transfer efficiency; see also where [31], [33] where at the same time the memory array allocates space for requested content, content can be placed in the memory array and ready to begin streaming piece by piece or delayed until transferred in whole; see also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations between the user session and memory allocated for said session, where by removing the association the buffer for that session is eliminated).

Regarding claims 5: The combined teachings of the aforementioned art teach means for, at the same time with the generation of a download buffer, transferring a moving picture file to be downloaded from the storage means to the

download buffer by one fragment at a time, wherein the download buffer generating means generates an download buffer when downloading is started; and means for, upon completing the content download, eliminating the download buffer (see Binder [33] for transferring to a end user storage in segments as it is received; see also where [31], [33] where at the same time the memory array allocates space for requested content, content can be placed in the memory array and ready to begin streaming piece by piece or delayed until transferred in whole; see also Kenner [col. 15, lines 14-23] where video can be stored in storage blocks which are stored separately; see also Kenner [col. 5, ll. 8-16], [col. 12, ll. 5-32] for a session management system which creates a DSI (Data Sequencing Interface) as a part of a session management to manage each individual user session acting as a link between session request and memory allocation, whereby upon the start of a video transfer the DSI is created and upon the completion of a video transfer the DSI is destroyed, eliminating all associations between the user session and memory allocated for said session, where by removing the association the buffer for that session is eliminated).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Binder, Honary and Morag et al., U.S. Pat. No. 6,058,399 (hereinafter Morag).

Regarding claim 7: The combined teachings of the aforementioned art do not teach wherein a unique upload or download session identification number is created during each occurrence of a new file to be uploaded or downloaded as requested by a user.

Morag teaches providing unique identifications for data transmission sessions (see [cols. 2-3, ll. 64-25]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the way in which sessions are associated with the content being transferred by providing a unique session ID for each data transmission sessions, as taught by Morag, in order to provide a means of determining which files have been transferred and which files have been cancelled and were not completely transmitted.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Binder, Honary and Wakimoto et al., U.S. Pub. No. 2002/0162110 A1 (hereinafter Wakimoto).

Regarding claims 8 and 9: The combined teachings of the aforementioned art do not teach wherein the upload/download buffer generator dynamically generates a plurality of dynamic upload/download buffers.

Wakimoto teaches a system which provides a plurality of buffers as a means to expand it's ability to service end users (see [145]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the number of buffers which are available for servicing the end users by providing a plurality of buffer devices capable of buffering content, as taught by Wakimoto, in order to expand upon the volume of data which can be processed by the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423